

Louisiana Law Review

CONTENTS

Issue Number 1

ARTICLES

THE 21ST JOHN M. TUCKER, JR. LECTURE IN CIVIL
LAW Interpretation and Application of the Civil Code
and the Evaluation of Judicial Precedent

James L. Dennis 1

Louisiana's New Divorce Legislation: Background and
Commentary

Kenneth Rigby
Katherine Shaw Spaht 19

The Three Faces of ORPP: Value Clashes in the Law
Richard K. Greenstein 95

Redhibition and Implied Warranties Under the 1993 Revision
of the Louisiana Law of Sales

George L. Bilbe 125

The Internal Revenue Code's Assault on Buy-Sell
Agreements

Mark R. Siegel 149

NOTES

White v. Illinois and the "Hearsay Clause" of the
Sixth Amendment

Hansel M. Harlan 177

The Left-For-Dead Fiction of Corporate "Presence":
Is It Revived by *Burnham*?

Steven Mathew Wald 187

Issue Number 2**ARTICLES**

- Personal Liability For Corporate Participants Without Corporate Veil-Piercing: Louisiana Law

Glenn G. Morris 207

- Affirmative Action and the New Discrimination: A Reply to Duncan Kennedy

John Hasnas 263

- Maintaining Safety and Civility in Public Spaces: A Constitutional Approach to Aggressive Begging

Robert Teir 285

- Restitution for Intangible Gains

Paul T. Wangerin 339

COMMENTS

- The Conditional Sale in Louisiana Jurisprudence: Anatomy of a Synecdoche

Huey L. Golden 359

- We Left Them Off the List—Now What? Unscheduled Creditors in Chapter 7 Bankruptcies

J. Neal Prevost 389

- Federal Question Jurisdiction: Must a Defendant Have Minimum Contacts with the State Whose Long-Arm Statute is Used to Serve Process?

Lisa Rouchell 407

NOTES

- The Supreme Court Attempts to "Iron Out" the Wrinkles in *National Starch*

John Paul LeBlanc 437

- Asbestosis Litigation: Prescription, Contribution, Exposure, Insurance, and the Public Interest—A Casenote on *Cole v. Celotex Corp.*

George Robertson Murphy, III 467

Issue Number 3**DEDICATION**

- Retirement of George Willard Pugh, Julius B. Nachman Professor of Law, Louisiana State University

Lee Hargrave and Frank L. Maraist 489

- Career and Bibliography of George Willard Pugh 491

ARTICLE

- Louisiana Conflicts Law: Two "Surprises"
Symeon C. Symeonides 497

FORUM JURIDICUM

- Article 2324: The Discombobulating State of Solidarity in Post Tort
Reform Louisiana

Thomas C. Galligan, Jr. 551

- Tort Immunity Revisited: What is the Present Test for Statutory
Employer?

Janice M. Church 587

REVIEW OF RECENT DEVELOPMENTS: 1992-1993

Bankruptcy

*Judge Louis M. Phillips and
Diane Sciacca* 599

Insurance

*W. Shelby McKenzie and
H. Alston Johnson* 651

Louisiana Civil Procedure

Howard W. L'Enfant 667

Louisiana Constitutional Law

John Devlin 683

Matrimonial Regimes

Lee Hargrave 733

Mineral Rights

Patrick H. Martin 747

Obligations

*Bruce V. Schewe and
Kent A. Lambert* 763

Professional Responsibility

Warren L. Mengis 777

Security Devices

Thomas A. Harrell 791

Torts*William E. Crawford* 807**Workers' Compensation***H. Alston Johnson* 817**BOOK REVIEW****The Louisiana Civil Code: A European Legacy for the United States***Robert A. Pascal* 827**Issue Number 4****DEDICATION****Dedication: Donald Theodore Trautman***Arthur T. von Mehren* 833**Some Thoughts on Choice of Law, Judicial Discretion,
and the ALI's Complex Litigation Project***Donald T. Trautman* 835**INTRODUCTION****The ALI's Complex Litigation Project: Commencing
the National Debate***Symeon C. Symeonides* 843**Appendix: American Law Institute Complex Litigation
Project: Proposed Final Draft**

881

ARTICLES**Interstate Consolidation: A Comparison of the ALI Project
with the Uniform Transfer of Litigation Act***Edward H. Cooper* 897**The Complex Litigation Project's Tort
Choice-of-Law Rules***Friedrich K. Juenger* 907**The Choice-of-Law Dispute in Comprehensive Environmental
Coverage Litigation: Has Help Arrived from the American
Law Institute Complex Litigation Project?***Peter J. Kalis
James R. Segerdahl
John T. Waldron, III* 925**The Conflicts Provisions of the ALI's Complex Litigation
Project: A Glass Half Full?***P. John Kozyris* 953

Unfinished Symphony: The Complex Litigation Project Rests	<i>Linda S. Mullenix</i>	977
Choice of Law in Air Disaster Cases: Complex Litigation Rules and the Common Law	<i>James A. R. Nafziger</i>	1001
The Complex Litigation Project's Proposal for Federally-Mandated Choice of Law in Mass Tort Cases: Another Assault on State Sovereignty	<i>Robert A. Sedler</i>	1085
Section 6.01 of the ALI's Complex Litigation Project: Function Follows Form	<i>David E. Seidelson</i>	1111
Reform Aspirations of the Complex Litigation Project	<i>Gene R. Shreve</i>	1139
The ALI's Complex Litigation Project: A State Judge's View	<i>Herbert P. Wilkins</i>	1155

Issue Number 5

ARTICLES

The American Constitutional Experience: Remarks of the Chief Justice	<i>William H. Rehnquist</i>	1161
Civil Liability for Abuse of Right: Something Old, Something New. . .	<i>A.N. Yiannopoulos</i>	1173
Reconstructing the Grounds for Interdiction	<i>Jeanne Louise Carriere</i>	1199
Developments in Lease Law 1992-1993	<i>Richard D. Moreno</i>	1237
A Civil Law to Common Law Dictionary	<i>N. Stephan Kinsella</i>	1265

COMMENTS

Admissibility of Expert Testimony After <i>Daubert</i> and <i>Foret</i> : A Wider Gate, A More Vigilant Gatekeeper	<i>Bonnie J. Davis</i>	1307
--	------------------------	------

- When Appearance Matters: Reapportionment Under the Voting Rights Act and *Shaw v. Reno* *Tricia Ann Martinez* 1335
- Louisiana and the Justification for a Protective Frisk for Weapons *John P. Murrill* 1369

NOTES

- Woodlawn Park Limited Partnership v. Doster Construction Company, Inc.*: Disclosing Undisclosed Agency Law in Louisiana *Thomas P. LeBlanc* 1395

- The Battle of Removal—Is Delay the Ultimate Weapon?: A Note on *Martine v. National Tea Company* *Gordon D. Polozola* 1419

BOOK REVIEW

- Louisiana Legal Memoirs: Law in the Cajun Nation *Paul R. Baier* 1443

Issue Number 6

THE CIVIL RIGHTS ACT OF 1991: A SYMPOSIUM

- Introduction: A Brief Legislative History of the Civil Rights Act of 1991 *Roger Clegg* 1459
- Enforcement Issues: A Practical Overview *Glen D. Nager*
Julia M. Broas 1473
- Disparate Impact: History and Consequence *C. Boyden Gray* 1487
- The Bar Against Challenges to Employment Discrimination Consent Decrees: A Public Choice Perspective *John O. McGinnis* 1507
- Alternative Dispute Resolution of Employment Discrimination Claims *R. Gaull Silberman*
Susan E. Murphy
Susan P. Adams 1533

- Congressional Self-Exemption from the Employment Discrimination Laws: A Rational Choice Analysis of the Civil Rights Act of 1991 *Nelson Lund* 1559

- Epilogue: Civil Rights in the Eighties and Nineties
Roger Clegg 1605

ARTICLES

- Recent Developments in the Law of Joint and Several Liability and
the Impact of Plaintiff's Employer's Fault
Edward J. Kionka 1619

COMMENTS

- Solidary Liability in Louisiana Tort Law, Article 2324:
Amendments and Ambiguities
Chris J. LeBlanc 1637

- Fixing the Right of Passage from an Enclosed Estate: Deciding
Where to Break Out Using Louisiana Civil Code Article 692
C. Sherburne Sentell, III 1659

NOTES

- Reves v. Ernst & Young*: Is RICO Corrupt?
J. Todd Benson 1685

- Fraying the Hangman's Knot?: *State v. Michael Owen Perry*
David P. S. Charitat 1701

- Analyzing Seizures Under the Louisiana Constitution After *State v.*
Tucker: A Different Perspective
Trevor V. Davis 1731

- State Farm Mutual Automobile Insurance Co. v. Azhar*: Protecting
the New Victims of "Hit and Run" in Underinsured Motorist
Coverage—Insurance Companies
James Thomas Rivera 1743

- Daigle v. Clemco Industries*: Panacea or Pandora's Box?
Charles F. Seemann III 1771

3

4

